

Before the
Federal Communications Commission
Washington, D.C. 20554

2001 SEP 10 P 3:19

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Reno, Nevada)

MM Docket No. 00-137ED
RM-9917
RM-10161

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 30, 2001

Released: September 5, 2001

By the Chief, Video Services Division:

1. At the request of Sierra Broadcasting Company ("Sierra"), licensee of station KRNVT(TV), NTSC channel 4, Reno, Nevada, Notice of Proposed Rule Making, 15 FCC Rcd 14831 (2000), proposing the substitution of DTV channel 9 for station KRNVT(TV)'s assigned DTV channel 34. Sierra filed comments restating its interest in changing channels at Reno. Stephens Group, Inc.¹, licensee of station KOLO-TV, Reno, Nevada, filed comments and counterproposal.² Sierra filed reply comments.³

2. Stephens, in its counterproposal, proposes the substitution of DTV channel 9 for station KOLO-TV's assigned DTV channel 23; and the substitution of DTV channel 7 in lieu of station KRNVT-TV's assigned DTV channel 34. In support of its proposal, Stephens states that DTV channel 9 should be allotted for use by station KOLO-DT, rather than by KRNVT-DT because of the necessity to maintain a precise frequency offset with KOLO-TV. Stephens claims that a KOLO-DT operation on DTV channel 9 would be technically superior, more cost and spectrum effective than would operation by KRNVT-DT on DTV channel 9. Stephens submits that a KRNVT-DT operation on DTV channel 7 would enable the station to provide a slightly improved coverage beyond its proposal DTV channel 9 service, and would result in a substantial

¹ Smith Television License Holdings, Inc. ("Smith"), is now the licensee of Station KOLO-TV and permittee of KOLO-DT pursuant to the Commission grant of the assignment of license.

² Public Notice of the counterproposal was given July 2, 2001, Report No. 2491.

³ After the pleading cycle ended the following pleadings were filed: Request for Leave to File Response, and Response of Stephens Group, Inc. to Reply Comments of Sierra Broadcasting Company; Supplement to Request for Leave to File Response, and Response of Stephens Group, Inc. to Reply Comments of Sierra Broadcasting Company; Sierra Broadcasting Company's Motion to Strike; Sierra's Supplement to Comments in DTV Rule Making; and Smith's response to Sierra's Supplement to Comments. Ordinarily, in a contested proceeding, we would not accept late filed comments. Inasmuch, as the late-filed supplement to comments filed by Sierra and Smith's response pertain to providing an alternate allotment scheme, we believe that the public interest would be served by accepting Sierra's and Smith's late filed supplement and response since they facilitate resolution of this proceeding.

improvement over KRNVT's allotted channel 34 service area.

3. Sierra filed a supplement to its comments stating that it opposed Smith's counterproposal on the grounds that integrating channel 7 onto a common antenna tower to be constructed in a joint effort with station KTVN would raise significant technical problems and added expense. However, upon further engineering review, Sierra states that it is willing to accept the substitution of DTV channel 7 as its DTV assignment.

4. Our engineering analysis has confirmed that each of the allotments can be accommodated in compliance with the Commission's principle community coverage requirements of Section 73.625(a).⁴ In addition, we find that these channels are acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KRNVT-TV and Station KOLO-TV with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
NV Reno	7	16.8	857	449

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
NV Reno	9c	15.6	893	511

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 22, 2001, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Reno, Nevada	7, 9c, 13,*15, 22c, 26, 32, 44

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Sierra Broadcasting Company and Smith Television License Holdings, Inc. shall submit to the Commission minor change applications for a construction permits (FCC Form 301) specifying DTV Channel 7 in lieu of DTV Channel 34; DTV channel 9 in DTV channel 23 for station KRNVT-TV and KOLO-TV, respectively.

⁴ The coordinates for DTV channel 7 at Reno are 39-18-57 N and 119-53-00 W. The coordinates for DTV channel 9c at Reno are 39-18-49 N. and 119-53-00 W.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau